

HOUSE BILL 577

47TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2006

INTRODUCED BY

Ben Lujan

AN ACT

RELATING TO CRIMINAL LAW; CREATING A NEW CRIMINAL OFFENSE KNOWN AS UNLAWFUL OPERATION OF AN AUDIOVISUAL RECORDING DEVICE; PROHIBITING CERTAIN RECORDING OR TRANSMISSION OF A MOTION PICTURE; PROVIDING A PENALTY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Criminal Code is enacted to read:

"[NEW MATERIAL] UNLAWFUL OPERATION OF AN AUDIOVISUAL RECORDING DEVICE.--

A. Unlawful operation of an audiovisual recording device consists of a person knowingly operating an audiovisual recording device to record or transmit a motion picture in a motion picture theater without the consent of the motion picture theater owner or manager while a motion picture is

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1 being exhibited.

2 B. A person who commits unlawful operation of an  
3 audiovisual recording device is guilty of a misdemeanor and  
4 shall be sentenced pursuant to the provisions of Section  
5 31-19-1 NMSA 1978.

6 C. The owner, manager or lessee of a motion picture  
7 theater or an agent or employee of the owner, manager or lessee  
8 who alerts law enforcement authorities that an alleged  
9 violation of Subsection A of this section is taking place is  
10 not liable in any civil action arising from the detention of  
11 the person alleged to be operating or to have operated the  
12 audiovisual recording device when the owner, manager or lessee  
13 or an agent or employee of the owner, manager or lessee is  
14 acting in good faith, unless the plaintiff can show by clear  
15 and convincing evidence that the detention measures were  
16 unreasonable or the period of detention was unreasonably long.

17 D. This section does not prevent law enforcement  
18 personnel from operating an audiovisual recording device in a  
19 motion picture theater as part of a lawfully authorized  
20 investigation.

21 E. Nothing in this section prevents prosecution  
22 under any other statutes.

23 F. As used in this section:

24 (1) "audiovisual recording device" means a  
25 device capable of recording or transmitting a motion picture or

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1 any part of a motion picture by means of any technology; and

2 (2) "motion picture theater" means a movie  
3 theater, screening room or other venue used primarily for the  
4 exhibition of motion pictures."

5 Section 2. EFFECTIVE DATE.--The effective date of the  
6 provisions of this act is July 1, 2006.

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